

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1)	MEGAN CAPEL, Administratrix	)	
	of the Estate of Terral Brooks	)	
	Ellis II, Deceased,	)	
(2)	TERRAL B. ELLIS, SR., and	)	
(3)	SHELLY BLISS,	)	
		)	
	Plaintiffs,	)	
		)	
	v.	)	Case No.: CIV-17-325-JED-FHM
		)	
(1)	OTTAWA COUNTY BOARD OF	)	ATTORNEY LIEN CLAIMED
	COUNTY COMMISSIONERS,	)	JURY TRIAL DEMANDED
(2)	JEREMY FLOYD, SHERIFF OF	)	
	OTTAWA COUNTY,	)	
	in his Official Capacity,	)	
(3)	TERRY DURBOROW,	)	
(4)	THERESA HORN L.P.N.,	)	
(5)	JENNIFER GRIMES,	)	
(6)	KENT WILLIAMS,	)	
(7)	BAPTIST HEALTHCARE OF	)	
	OKLAHOMA, LLC d/b/a	)	
	INTEGRIS MIAMI EMS;	)	
(8)	OFFICER JEFFREY HARDING,	)	
(9)	OFFICER BRAY, and	)	
(10)	OFFICER CHARLES	)	
	SHOEMAKER,	)	
		)	
	Defendants.	)	

**PLAINTIFFS AND DEFENDANTS JENNIFER GRIMES, KENT WILLIAMS  
AND BAPTIST HEALTHCARE OF OKLAHOMA, LLC’S  
UNOPPOSED JOINT APPLICATION FOR WRIT OF ASSISTANCE**

**COME NOW** Plaintiffs Megan Capel, Administratrix of the Estate of Terral Brooks Ellis II, deceased, Terral B. Ellis, Sr., and Shelly Bliss, and Defendants Jennifer Grimes, Kent Williams and Baptist Healthcare of Oklahoma, LLC, d/b/a Integris Miami EMS, and hereby jointly request this Court enter an Order pursuant to 63 O.S. § 939 and/or 949, authorizing and directing the Office of the Chief Medical Examiner, State of

Oklahoma, to release and permit inspection and copying of all documents in the Medical Examiner Case File, including but not limited to color copies of the death certificate, the entire ME file, an allocation of any tissue and blood samples, recuts of the microscopic slides, and photographs if applicable concerning the death of Terral Brooks Ellis, II, with date of birth 02/14/1989, collected following his death on 10/22/2015 in Miami, Oklahoma.

Applicants represent to the Court that the autopsy and the Medical Examiner's report have been completed and these documents and samples are necessary for discovery into this matter and without the requested order, remaining specimens may otherwise be discarded pursuant to the standard policies and procedures of the Office of the Medical Examiner.

Applicants are authorized to report that no party this lawsuit objects to the relief requested herein.

Counsel for the Chief Medical Examiner, Assistant Attorney General John M. Crittenden, Office of the Attorney General, has been contacted about this matter, and has no objection to the release of any possible samples, the ME file, etc. to counsel for all parties, provided there is a Court Order directing such release as required by 63 O.S. §§ 939 and/or 949.

A proposed Order is being submitted contemporaneously herewith.

WHEREFORE, Applicants hereby request that this Court enter its Order directing the Office of the Chief Medical Examiner to produce and permit inspection and copying of all documents in the Medical Examiner Case File, including but not limited to an allocation of any tissue and blood samples, recuts of the microscopic slides, and photographs if applicable concerning the death of Terral Brooks Ellis, II. Such materials should be

released to Applicants respective attorneys, contact information below, on or before fourteen (14) business days after receipt by the Office of Chief Medical Examiner of a certified copy of this Order.

Respectfully submitted,

/s/ Bryon D. Helm

Daniel E. Smolen, OBA#19943  
Robert M. Blakemore, OBA #18656  
Bryon D. Helm, OBA #33003  
SMOLEN & ROYTMAN, PLLC  
701 S. Cincinnati Ave.  
Tulsa, Oklahoma 74119  
P: (918) 585-2667  
F: (918) 585-2669

*Attorneys for Plaintiffs*

-And-

/s/ John R. Paul (signed with permission)

John R. Paul, OBA #6971  
PAUL & LACKEY, P.C.  
Nine East Fourth Street, Suite 400  
Tulsa, Oklahoma 74103-5118  
Tele: (918) 584-2583  
Fax: (918) 587-8521

*Attorney for Defendants*

*Baptist Healthcare of Oklahoma, LLC,  
Jennifer Grimes and Kent Williams*

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of May 2019, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants who have appeared in this case.

/s/ Bryon D. Helm